

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

|                             |   |                          |
|-----------------------------|---|--------------------------|
| LAWRENCE E. BLAINE,         | : |                          |
|                             | : | NO. 1:10-CV-00208        |
| Plaintiff,                  | : |                          |
|                             | : |                          |
|                             | : |                          |
| v.                          | : | <b>OPINION AND ORDER</b> |
|                             | : |                          |
|                             | : |                          |
| WYOMING CITY MANAGER, a/k/a | : |                          |
| City of Wyoming, et al.,    | : |                          |
|                             | : |                          |
| Defendants.                 | : |                          |

This matter is before the Court on the Magistrate Judge's Report and Recommendation, (doc. 38), to which no objections were filed. In her Report and Recommendation, the Magistrate Judge recommends that Defendant Hamilton County Treasurer's Motion to Dismiss for Failure of Service (doc. 26) be denied but that Defendant's alternative motion for leave to file his answer out of time be granted, with the previously-filed answer (doc. 24) accepted as if timely filed; that Plaintiff's Motion for Default Judgment against Defendant Hamilton County Treasurer (doc. 32) be denied; and that Defendant Hamilton County Treasurer's Motion to Dismiss Claims as Moot (doc. 34) be denied. The Court ADOPTS the Magistrate Judge's Report and Recommendation in its entirety (doc. 38).

For the sake of brevity, the Court will not reiterate here the parties' positions or the Magistrate Judge's

determinations and conclusions, as those are well-detailed in the Report and Recommendation. The parties were served with the Magistrate Judge's Report and Recommendation and were therefore afforded proper notice of the Magistrate Judge's Report and Recommendation as required by 28 U.S.C. § 636(b)(1)(C), including the notice that failure to file timely objections to the Report and Recommendation would result in a waiver of further appeal. See United States v. Walters, 638 F.2d 947, 949-50 (6th Cir. 1981). Neither Party filed any objections thereto within the time frame provided for by Fed. R. Civ. P. 72(b) and 28 U.S.C. § 636(b)(1)(C). When no objections have been filed, the Court need only satisfy itself that there is no clear error on the face of the record in order to accept the Magistrate Judge's recommendation. See Advisory Committee Notes to Fed. R. Civ. P. 72; Thomas v. Arn, 474 U.S. 140, 150(1985)("It does not appear that Congress intended to require district court review of a magistrate judge's factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings").

Having reviewed this matter pursuant to 28 U.S.C. §636(b), the Court finds no clear error on the face of the record and further finds the Magistrate Judge's Report and Recommendation well-reasoned, thorough, and correct. Accordingly, the Court ADOPTS the Magistrate Judge's Report and Recommendation in its entirety (doc. 38) and therefore DENIES Defendant Hamilton County

Treasurer's Motion to Dismiss for Failure of Service (doc. 26) but GRANTS Defendant's alternative motion for leave to file his answer out of time and thus accepts the previously-filed answer (doc. 24) as if timely filed. Further, the Court DENIES Plaintiff's Motion for Default Judgment against Defendant Hamilton County Treasurer (doc. 32) and DENIES Defendant Hamilton County Treasurer's Motion to Dismiss Claims as Moot (doc. 34).

SO ORDERED.

Dated: April 20, 2011

/s/ S. Arthur Spiegel  
S. Arthur Spiegel  
United States Senior District Judge